S.B. Civil Writ Petition NO.5964/2003

State of Rajasthan

vs

Sukhpal Singh & Ors.

DATE OF ORDER : - 13.5.2005.

HON'BLE MR. PRAKASH TATIA,J.

Mr.Rameshwar Dave, Dy.GA, for the petitioner-State

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Heard learned counsel for the petitioner.

Brief facts of the case are that ceiling proceedings were initiated under Chapter IIIB of the Rajasthan Tenancy Act, which was relevant provision applicable for assessing the agricultural holding of agriculturists for the purpose of finding out whether he has land in excess than the ceiling limit. The proceedings were dropped by the SDO on 29th April, 1971.

In the year 1973 new Ceiling Act came into force and under the provisions of Section 15(2) of the New Ceiling Act, 1973,the State Government decided to reopen the ceiling case of the assessee and the matter was sent to the ADM (Vigilance), Srikaranpur relating to the

asseessee agricultural holding. The learned ADM vide order dated 13th Nov., 2000 held that the assessee has 97.17 Bighas excess land and which is required to be resumed by the State. The assessee preferred appeal before the Board of Revenue. The Board of Revenue held that the transfers of the land, which was not recognized by the ADM were bonafide transfer of the land to bonafide agriculturists and if that land is deducted, no excess land is with the assessee.

According to learned counsel for the petitioner, the Board of Revenue committed serious error of law in holding that the sale deed executed by the assessee was in favour of the bonafide agriculturists, despite the fact that the assessee did not produce any evidence to prove that the sales were in favour of the bonafide agriculturists.

It appears from the order of the Board of Revenue that the Board of Revenue considered all the aspects of the matter and took note of the fact that the sale deeds are registered one and mutations were also in time and on these documentary evidence, the Board of Revenue held that the sale is too bonafide agriculturists. This Court is not inclined to interfere in such a finding of fact recorded by the Board of Revenue while exercising jurisdiction under Article 227 of the Constitution of India.

Therefore, I do not find any merit in this writ petition and the same is hereby dismissed.

(Prakash Tatia), J.

c.p.goyal/-